

Committee to Revise the State Board Rules Governing Special Education

Current	Proposed	Guidance
E. Evaluation/re-evaluation.	Evaluation	
<p>1. Each public education agency shall establish, implement, disseminate to its school-based personnel, and make available to parents within its boundaries of responsibility, written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.</p>	<p>A. INITIAL EVALUATION A.1. A public agency must conduct a full and individual initial evaluation, in accordance with 34CFR Sec. 300.300, 300.301, Sec. 300.304, Sec. 300.305 and Sec 300.307, before the initial provision of special education and related services to a child with a disability under this part. A.2. Only the parent of the child and/or chief administrative official of the public education agency or person designated as special education official may initiate a request for an initial special education evaluation, as referenced in 34 CFR- §§ 300.301(b). A.3. A public education agency shall obtain informed written consent from the parent of the child before conducting an initial evaluation (34 CFR §§ 300.301, 300.503, 300.504, and 300.9). A.4. Public education agencies must complete an initial evaluation within 60 calendar days of receiving voluntary, informed written parental consent to do so (34 CFR §§ 300.301(c)(i)).</p> <p>B. REEVALUATION B. 1. The PEA must consider the reevaluation of each child with a disability</p>	<ul style="list-style-type: none"> • Definition of school official – have a note to put in rule definitions for Guidance • More information on the process • More information on who and what the process is • Referral vs request for evaluation – related to child find • Struggle with understanding screening and evaluation as related to assessment and when consent is needed (ie: FBAs) • Defining parent • Clarify - parent can determine how informed they are • Comments were split – lots of support for meeting with parents before and some responses stating that it could be considered a delay • Understanding the evaluation plan – educators and parents • Define informed written consent – how does this look in education setting– See Ohio’s definition • Summer evaluation- blocked days – scenarios and example
<p>2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and regulations, and state statutes and State Board of Education rules.</p>		
<p>3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be completed as soon as possible, but shall not exceed 60 calendar days from receipt of informed written consent. If the public education agency initiates the evaluation, the 60-day period shall commence with the date of receipt of informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET)</p>		

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determination of eligibility. If the parent requests the evaluation and the MET concurs, the 60-day period shall commence with the date that the written parental request was received by the public education agency and shall conclude with the date of the MET determination of eligibility.	at least every three years from the date of previous eligibility determination and in accordance with 34 CFR §§300.303 through 34 CFR §§300.311.	<ul style="list-style-type: none"> • Add wording that makes it clear that the decision is with the parents – consent is voluntary • Provide scenarios and examples. <i>Very rare instance - If no additional data are needed to make an eligibility, or non-eligibility determination, the PEA is not required to obtain informed written consent.</i> • Educational records – evaluation included or not – See Ohio’s example • Suggested to separate out the re-evaluation for eligibility and assessment evaluation for additional services – see initial evaluation • Review of existing data conversation can add to the confusion – RED process could not be an evaluation – dispute resolutions’ interpretation • Re-evaluation must be completed vs considered for students – include best practices from the field – use of natural transition points • Guidance for variation of dates on services • Must have very clear concise guidance on this to represent the
4. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parents and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the time-lines for a re-evaluation within three years of the previous evaluation.	B. 2. Informed written parental consent requirements apply pursuant to 34 CFR §§ 300.300(c) and 34 CFR §§ 300.301 prior to initiating the reevaluation. B. 3. Dismissal of service is subject to reevaluation requirements under 34 CFR §§ 300.305 (e). B. 4. Termination of services due to graduation or exceeding age of eligibility are not subject to reevaluation; however a summary of students performance is required pursuant to 34 CFR §§ 300.305 (e)(2) and required under 34 CFR §§ 300.305(e)(3)	
5. The public education agency may accept current information about the student from another state, public agency, public education agency, or independent evaluator. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation. to meet the requirements identified in subsections (E)(1) through (7).	C. EVALUATION PROCEDURES C. 1. Upon analysis of pertinent data, the MET shall determine whether the child is a child with a disability as defined in IDEA (put in IDEA references) to the extent that specially designed instruction is required in order for the child to benefit from education. C. 2. In making eligibility determinations, an LEA shall draw upon information from a variety of sources. An LEA shall ensure that information obtained from these sources as appropriate for each student, is documented and carefully considered.	
6. For the following disabilities, the full and individual initial evaluation shall include:		
a. Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a certified school		

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<p>psychologist.</p> <p>b. Hearing impairment:</p> <p> i. An audiological evaluation by an audiologist, and</p> <p> ii. An evaluation of communication/language proficiency.</p> <p>c. Other health impairment: verification of a health impairment by a doctor of medicine.</p> <p>d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods:</p> <p> i. A discrepancy between achievement and ability;</p> <p> ii. The child's response to scientific, research-based interventions; or</p> <p> iii. Other alternative research-based procedures.</p> <p>e. Orthopedic impairment: verification of the physical disability by a doctor of medicine.</p> <p>f. Speech/language impairment: an evaluation by a certified speech-language therapist.</p> <p>g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the</p>	<p>C. 3. Eligibility determination meeting will be conducted subject to meeting notice requirements under Sec. 300.322.</p> <p>C. 4. An LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.</p> <p>C. 5. If the child is determined eligible for special education, an IEP shall be developed within 30 days of eligibility determination, not to exceed 90 calendar days from the date of informed parental consent to conduct an initial evaluation.</p> <p>D. Specific Learning Disability</p> <p>D.1. In determining the existence of a SLD the LEA shall use one or more of the methods to meet the criteria as identified under IDEA section 300.307 and determination requirements under 309,310 311.</p>	<p>scenarios in which this is applicable</p> <ul style="list-style-type: none"> • Assessment –Evaluation are not interchangeable and start using the words – additional/new data gathering – examples of each of these and scenarios – link to IDEA language 300.300(c) I to ii • Clarify this for eligibility and service provisions • Clarify how this will be accomplished – justification for dismissal – examples and scenarios • Include in guidance as to how this relates to related services • Guidance on what the summary of students performance contains • Clarify the development of an evaluation plan include? • No timeline for a mid-way re-eval – See Sarah for definition of midway Should clarify that when you evaluate that it should be subject to 60 day timeline • How we notify parents that evaluation is completed • What is the indicator that the evaluation is complete -Completion of evaluation activities and the marker to indicate completion - • Some common expectations for

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<p>written evaluation may be limited to:</p> <ul style="list-style-type: none"> i. An audiometric screening within the past calendar year, ii. A review of academic history and classroom functioning, iii. An assessment of the speech problem by a speech therapist, or iv. An assessment of the student's functional communication skills. <p>h. Traumatic brain injury: verification of the injury by a doctor of medicine.</p> <p>i. Visual impairment: verification of a visual impairment by an ophthalmologist or optometrist.</p> <p>7. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(6)(a) through (i) are required for a student's re-evaluation.</p>		<p>what designates the end of the evaluation</p> <ul style="list-style-type: none"> • Parent input is part of the evaluation plan. If parent is not available, then he/she needs to be contacted • Guidance on the markers for indicating the evaluation is completed – and when the 60 day timeline ends and timeline for the MET • Clarify the confusion transition between the completion of the evaluation and the determination of eligibility <ul style="list-style-type: none"> • Working within your scope practice – professional licensure determines your scope of practice • Who is qualified person • Medical diagnosis versus educational eligibility • Eligibility meeting • IEP and Eligibility determination can be on the same day • Guidance for the use/need for supplemental evaluation for FAPE vs eligibility
		<ul style="list-style-type: none"> • Provide frameworks and suggestions of Rtl models; clarify

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		<p>rule outs such as “due to lack of appropriate instruction”.</p> <ul style="list-style-type: none"> • Use Copenhaver document to assist with guidance document and related concern by Committee member. • Observations – what can be used? • Ability level of intellectual development and how to determine this in the event parent does not consent or there is a question of validity of assessment results – further discussion • Rate of learning – define/give meaning? • Sufficient progress – examples? • Discussion and reason why we went to the flexibility of multiple measures: the movement from sole reliance on discrepancy of intellectual functioning • Can use blended approach/models • Considerations for working /identifying Dyslexia • Flexibility of data collected

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		<ul style="list-style-type: none"> • LEA must identify criteria used • Descriptions of models used to determine SLD

Considerations, Recommendations and Suggestions for the Rule Committee
Initial Evaluation, Re-Evaluation and Evaluation Procedures

Considerations, Recommendations and Suggestions for the Rule Committee
SLD Eligibility

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F. Parental Consent.		
1. A public education agency shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child	Embedded in multiple sections vs separate section	
2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.	Embedded in multiple sections vs separate section	
3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public education agency:	Embedded in multiple sections vs separate section	
a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and	Embedded in multiple sections vs separate section	
b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these rules.	Embedded in multiple sections vs separate section	
4. If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued	Embedded in multiple sections vs separate section	

<p>provision of special education and related services, the public education agency:</p> <p>a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;</p> <p>b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;</p> <p>c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and</p> <p>d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.</p>		
<p>5. If a parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.</p>	<p>Embedded in multiple sections vs separate section</p>	

Considerations, Recommendations and Suggestions for the Rule Committee		
Parental Consent		

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G. Individualized Education Program (IEP).		
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures for the development, implementation, review, and revision of IEPs.		
2. Procedures for IEPs shall meet the requirements of the IDEA and		

regulations, and state statutes and State Board of Education rules.		
3. Procedures shall include the incorporation of Arizona Academic Standards into the development of each IEP. IEP goals aligned with the Arizona Academic Standards shall identify the specific level within the Standard that is being addressed.		
4. Each IEP of a student with a disability shall stipulate the provision of instructional or support services by a special education teacher, certified speech-language therapist, and/or ancillary service provider(s), as appropriate.		
5. Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without standard accommodations as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessment as determined by the IEP team.		
6. A meeting shall be conducted to review and revise each student's IEP at least annually or more frequently if the student's progress substantially		

<p>deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting.</p>		
<p>7. A parent or public education agency may request in writing a review of the IEP. Such review shall take place within 15 school days of the receipt of the request or at a mutually agreed upon time but not to exceed 30 school days.</p>		

<p>Considerations, Recommendations and Suggestions for the Rule Committee</p>
<p>IEP</p>